

**Lincoln**

**Zoning Board of Review**

**100 Old River Road, Lincoln, RI**

**Minutes of January 6, 2015 Meeting**

**Present: David DeAngelis-Chair, John Bart, Mark Enander, Stephen Kearns, Robert Oster, John Barr, Town Solicitor**

**Excused: Lori Lyle**

**Minutes**

**Motion made by Member Oster to accept the December 2014 Minutes as presented. Motion seconded by Member Kearns. Motion carried by all present.**

**Correspondence:**

**None**

**Applications:**

**Robert & Ruth Biagetti, 5 Darlington Street, Manville, RI - Application for Dimensional Variance seeking front setback relief on existing house for the purpose of subdividing the lot.**

**AP 38, Lot 20 Zoned: RL 5**

**Represented by: Norbert Therrien, National Land Surveyors, 42 Hamlet Avenue, Woonsocket, RI**

**Chairman read into the record standards that need to be met for a Dimensional Variance.**

**Spoke with Russell who asked him to modify plans which were attached to the application. The plan had incorrect information as lot is tri-zoned. Mr. Therrien submitted updated site plan marked as Exhibit #1 and incorporated. Applicant wants variance from an existing structure in place for past 60 years located at the corner of Darlington and Church Street. Existing structure does not meet zoning setbacks off of both streets. Asking for relief not through any action of applicant. Applicant wants to cut the property in half. Zoned RG 7, RL9 and RS 12 located on northerly tract of lot. New lot would meet setbacks from all sides. There is an existing shed to be removed and relocated on existing lot known as 5 Darlington Street. Planning Board and applicant received master plan approval with utilities, driveway, water and sewer going out to Darlington Street. If the variances are not obtained applicant cannot do anything with the property causing more than a mere inconvenience. Lot does not meet minimum setback on Darlington Street needing relief of 19.3 feet.**

**Russell Hervieux, Zoning Official stated the original plan submitted with the application had one dimension missing. On the Darlington side the dimension showing stairs to the property line was missing. On the Church Street side the dimension from the breezeway to the property line was also not shown. The dimensions shown met the zone for RG 7 so the plan needed to be revised to find out where the**

**actual setback relief is required.**

**Chairman stated set of front steps on Darlington should be 20 feet away from the property line but are 17.5 feet and as a result on that side of the property seeking 2.5 feet of relief. Breezeway on Church Street side 20 feet is required to the property line but as it sits now at 19.1 feet needing .9 feet of relief to accommodate the breezeway.**

**Witness**

**Robert Biagetti, Owner**

**Been owner of the property for four years and house was built in 1950. If approved, son wants to build a house on the new lot.**

**In Favor:**

**Paul & Gail Brule**

**Owns parcel on opposite of Central Street from new lot. He and his wife are in support of this application.**

**No opposition present.**

**Chairman read into the record Planning Board/Technical Review Committee recommendation.**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application for two dimensional**

**variances from the front yard setbacks on an existing house for the purpose of subdividing the lot. The lot is classified as a corner lot which has two front yards. The variances will clear up the pre-existing nonconformance of the existing house. The Board feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Motion made by Member Kearns to approve the application seeking front setback relief on the Darlington side of 2.5 feet and Church Street setback relief of .9 feet with a condition that the existing shed on subplot A of AP 38, Lot 14 be moved to the original lot AP 38, Lot 20 and confirm with the setbacks. He further stated:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. Applicant has approved subdivision from the Planning Board.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience.**

**Motion seconded by Member Bart. Motion carried by all present.**

### **Election of Officers**

**Motion made by Member Bart to renominate David DeAngelis as Chairman of the Lincoln Zoning Board of Review. Motion carried by all present.**

**Motion made by Chairman DeAngelis to renominate Member Bart as Vice Chair of the Lincoln Zoning Board of Review. Motion carried by all present.**

### **Review of Zoning Procedures**

**Attorney DeSisto presented information packet to Members for review. This is a quasi judicial board and applicants are entitled to a true hearing and not prejudged. The Zoning Board acts as the appeal board for the Planning Board and decisions that Russell Hervieux, Zoning Official makes. Attorney DeSisto review standards for Dimensional, Use and Special Use applications.**

**Motion made by Member Bart to adjourn the meeting. Motion seconded by Member Oster. Motion carried by all present.**

**Respectfully submitted,**

**Ghislaine D. Therien**

# Recording Secretary